

# Exhibit E



## Anti-Harassment and Discrimination Policy

The Company is committed to providing a workplace that is free of discrimination and harassment. In keeping with this policy, we strictly prohibit discrimination of any kind including discrimination or harassment on the basis of race, color, veteran status, religion, gender, sex, sexual orientation, age, mental or physical disability, medical condition, national origin, marital status or any other characteristic protected under federal or state law or local ordinance.

Employees and Non-Employees: Tesla Motors prohibits harassment of employees by managers, supervisors, and co-workers. Similarly, all employees are prohibited from harassing employees and non-employees. Tesla Motors will also protect employees from harassment by non-employees in the workplace.

**Definitions of Harassment:** Harassment may take many forms, but the most common forms include:

Verbal Harassment: Such as jokes, epithets, slurs, negative stereotyping and unwelcome remarks about an individual's body, color, physical characteristics or appearance, questions about a person's sexual practices or gossiping about sexual relations.

Physical Harassment: Such as physical interference with normal work, impeding or blocking movement, assault, unwelcome physical contact, leering at a person's body or threatening, intimidating or hostile acts that relate to a protected characteristic.

Visual Harassment: Such as offensive or obscene photographs, calendars, poster, cards, cartoons, emails, drawings and gestures, display of sexually suggestive lewd objects, unwelcome notes or letters or any other written or graphic material that denigrates or shows hostility or aversion toward an individual characteristic, whether placed on walls, bulletin boards or elsewhere on the employer's premises or circulated in the workplace.

Sexual Harassment: There are two distinct categories of sexual harassment:

- a) Quid Pro Quo: When an individual's submission to or rejection of unwelcome sexual conduct is used as a basis for employment decisions affecting that individual including granting of employment benefits.
- b) Hostile Environment: When unwelcome sexual conduct unreasonably interferes with an individual's job performance or creates an intimidating, hostile or offensive working environment even if it does not lead to tangible or economic job consequences.

Sexual harassment includes harassment to women by men, of men by women, and same sex gender-based harassment. Sexual harassment is unlawful whether it involves co-worker harassment, harassment by a supervisor or manager, or by persons doing business with or for the Company.

The Company prohibits any and all conduct that may be interpreted as harassment as defined above whether or not such conduct is pervasive enough to meet the technical legal requirements of harassment.

**Reporting and Investigation:** If you believe that you have been subject to improper discrimination of any kind or to conduct that violates this policy, you must immediately report the facts of the conduct to your manager or to a Human Resources representative. If for any reason you do not feel comfortable discussing the matter with your manager, you should bring the matter to the attention of your second-tier manager or to a Human Resources representative. The important thing is that you bring the matter to the Company's attention promptly so that any concern of harassment or discrimination can be investigated and addressed appropriately. All complaints will be promptly and thoroughly investigated, and all information disclosed during the course of the investigation will remain as confidential as possible, except as necessary to conduct the investigation and take any remedial action in accordance with applicable law.

All employees and managers have a duty to cooperate in the investigation of alleged harassment or discrimination. Failing to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action up to and including termination of employment. At the conclusion of our

investigation, if we determine a violation of policy has occurred, we will take effective remedial action to commensurate with the severity of the offense. This may include disciplinary action against the accused party up to and including termination of employment. Steps will be taken as reasonable and necessary to prevent any further violations of policy.

**Retaliation:** Retaliation for reporting, in good faith, any incidents of harassment or discrimination or perceived harassment or discrimination, or for making any complaints, in good faith, of harassment or discrimination is strictly prohibited. Any report of retaliation by someone accused of harassment or discrimination by co-workers or managers will be promptly and thoroughly investigated in accordance with the investigation procedure outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action will be taken up to and including termination of employment.

**Discipline:** If an employee harasses another person, based on their membership in a protected class under applicable Federal, State or Local law, the harassing employee will be disciplined. Disciplinary action may range from warnings to immediate termination or employment, depending on the circumstances. If a non-employee harasses an employee, corrective action will be taken after the appropriate management personnel are consulted.

**Additional Enforcement:** In addition to our internal complaint procedure, you should be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of harassment and discrimination in employment. You may contact EEOC and DFEH directly; their phone numbers are listed in the telephone book.

**Modification:** This policy can be modified unilaterally by the Company at any time without notice. Modification may be necessary to maintain compliance with State and Federal regulations and/or accommodate organized changes within the Company.

*By my signature below, I acknowledge that I have read the above Anti-Harassment and Discrimination Policy and will comply with all the provisions.*

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date



## **Anti-Harassment/Discrimination**

The diversity of our employees is a tremendous asset and Tesla is firmly committed to providing a workplace that is free of unlawful discrimination and harassment. Tesla prohibits any verbal, physical, or visual harassment of an employee because of that person's race, color, religion, creed, sex, age, sexual orientation, gender identity or expression, genetic information, national origin, physical or mental disability, medical condition, pregnancy, past or present membership in the uniformed service, application for employment in the uniformed service, Vietnam-era-veteran status, marital status, or any other characteristic protected by federal, state, or local law. Tesla does not consider such conduct to be within the course and scope of employment, and we do not sanction such conduct on the part of any employee, including supervisors or those in management positions.

Sexual harassment refers to a particular form of prohibited conduct. Everyone must be able to work in an environment free from unsolicited and unwelcome sexual overtures. Sexual harassment does not refer to occasional compliments or other generally acceptable social behavior. Rather, sexual harassment refers to behavior that is unwelcomed, offensive, undermines or weakens morale, and interferes with the work environment. You do not need to be the subject of the conduct to consider the workplace hostile; rather, it is sufficient for you to have personally witnessed such offensive conduct.

Following are examples of prohibited conduct:

### **Sexual Harassment**

- Offensive sexually oriented verbal "kidding," jokes, derogatory sexual comments, or abuse;
- Unwelcomed expressions of a sexual nature, including comments about a person's body, dress, clothes, or sexual activities;
- Pressure for sexual activity;
- Offensive physical contact such as touching, patting, punching, and repeated brushing against another person's body;
- Sexually suggestive objects, pictures, recordings, or computer communications, including pornography and sexually suggestive cartoons; and

- Demand for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an employee's employment status.

### **Other Types of Prohibited Harassment**

- Verbal abuse based on a person's protected-class status;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures; and
- Written communications containing statements or images that may be offensive to individuals in a protected group, such as racial, ethnic, religious, or age-based stereotypes or caricatures.

**For California Employees:** If you work in California, you may pursue any charge of sexual harassment with the California Department of Fair Employment and Housing and the California Fair Employment and Housing Commission. You may contact the California Department of Fair Employment and Housing at 2014 T Street, Suite 210, Sacramento, California 95814 or at (916) 227-0551.

All supervisors are required to take our anti-harassment training. Supervisors in California are required to take two hours of training concerning Tesla's anti-harassment and anti-discrimination policies every two years.

In addition to all employees, this policy also applies to all contractors, vendors, and customers of Tesla, as well as visitors who enter onto Tesla's premises. Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

### **Reporting Concerns**

If you believe you have been subjected to harassment or discrimination of any kind or if you have witnessed such conduct, immediately report the facts of the conduct to your manager or to a HR representative so that your concern can be investigated promptly and addressed appropriately. Corrective action will be taken where warranted.

All complaints of unlawful harassment and discrimination which are reported to management will be treated with as much confidentiality as possible, consistent with the need to conduct an adequate investigation. The Company prohibits employees from hindering our own internal investigations and our internal complaint procedure.

### **Anti-Retaliation Policy**

It is a violation of Tesla policy to fire, demote, harass, or otherwise “retaliate” against anyone who raises in good faith a concern of harassment or discrimination, files a charge with a state or federal agency, or participates in an employment proceeding such as an investigation or lawsuit. Tesla will investigate claims of retaliation and determine the appropriate corrective action, up to and including termination.



## **Policy Against Discrimination & Harassment in the Workplace (U.S. Locations)**

### **Policy Statement**

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At Tesla we believe it's essential to provide all employees with a respectful and safe working environment. As a result, we don't tolerate discrimination, harassment or any mistreatment of employees in the workplace or work-related situations, whether based on a protected class under applicable law or otherwise.

Because the intent of this Policy Against Discrimination & Harassment (the "Policy") is to deter conduct that is unwanted, unreasonable, and demeaning, Tesla may consider an employee's conduct to be in violation of this Policy even if it falls short of unlawful conduct under applicable law. When determining whether conduct violates this Policy, we consider whether a reasonable person could conclude that the conduct created an intimidating, hostile, degrading or demeaning environment.

Tesla does not consider conduct in violation of this Policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including people managers.

This Policy applies to everyone who works for Tesla and any of its subsidiaries. Everyone – including individual contributors and people managers – is responsible for following and upholding this Policy. Additionally, we don't tolerate conduct in violation of this Policy by employees towards non-employees (e.g., contingent workers or contractors, guests, vendors, and customers), nor do we tolerate such conduct by non-employees towards employees.

### **Protection Against Discrimination**

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Discrimination means treating people differently, whether an employee or a candidate for employment, because of a person's status in a protected class under applicable law, including: race, color, ethnic or national origin; age; religion or religious creed (or belief, where applicable); sex, including pregnancy, childbirth, breastfeeding, or related medical conditions; sexual orientation; gender, gender identity, gender expression, transgender status, or sexual stereotypes; nationality, immigration status, citizenship, or ancestry; marital status; protected military or veteran status; physical or mental disability, medical condition, genetic information or characteristics (or those of a family member); political views or activity; status as a victim of domestic violence, sexual assault or stalking; or any other basis prohibited under federal, state, or local law ("Protected Classes").

Discrimination can also occur where a requirement, qualification or factor exists that is not obviously discriminatory but results in the exclusion, restriction or preference of a person because they are a member (or are not a member) of a Protected Class.

Tesla commits to ensuring every employee and candidate for employment is free from discrimination in respect of employment or prospective employment with the Company. This applies to all phases of the employment relationship including, but not limited to, promotion, demotion, discipline, advertising, layoff, termination, compensation, selection and training.

## **Protection Against Harassment**

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Harassment, including sexual harassment, means any unwelcome verbal or physical conduct based on any protected class when:

- The behavior can reasonably be considered to adversely affect the work environment; or
- An employment decision affecting the employee is based upon the employee's acceptance or rejection of such conduct.

### Examples of Sexual Harassment

- Offensive sexually-oriented verbal “kidding,” jokes, derogatory sexual comments, or abuse;
- Unwelcome expressions of a sexual nature, including comments about a person’s body, dress, clothes, or sexual activities;
- Pressure for sexual activity;
- Offensive physical contact such as touching, patting, punching, and repeated brushing against another person’s body;
- Sexually suggestive objects, pictures, recordings, or computer communications, including pornography and sexually suggestive cartoons; and
- Demand for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an employee’s employment status.

Sexual harassment can happen regardless of the individuals’ gender, gender identity, or gender expression and can, for example, occur between same-sex individuals as well as between opposite-sex individuals, and does not require that the harassing conduct be motivated by sexual desire.

### Examples of Other Types of Prohibited Harassment

- Verbal abuse based on a person’s protected-class status;
- Visual conduct such as derogatory posters, photographs, cartoons, drawings or gestures; and
- Written communications containing statements or images that may be offensive to individuals in a protected group, such as racial, ethnic, religious, or age-based stereotypes or caricatures.



These lists of examples are not exhaustive, and there may be other behaviors that constitute unacceptable behavior under this Policy.

“I was joking” or “I didn’t mean it that way” are not defenses to allegations of harassment. Nor is being under the influence of alcohol or other substances. This Policy applies to conduct at work and at work-related social events, office parties, off-sites, and customer entertainment events. Employees are expected to be particularly careful about what they say and do in these circumstances. Harassment does not include a reasonable action taken by Tesla relating to the supervision and direction of an employee or the workplace.

You do not need to be the subject of the conduct to be negatively impacted; rather, it is sufficient for you to have personally witnessed such offensive conduct.

## **Protection Against Bullying**

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Tesla does not tolerate abusive conduct, bullying or other intimidating or aggressive behavior among employees or others covered by this Policy, whether it is based on a Protected Class or not.

Bullying can include malicious, deliberate, hurtful mistreatment of employees driven by a desire to control that involves repeated acts of humiliation, intimidation and sabotage of performance.

### Examples of Bullying

- Intentionally excluding someone from normal workplace conversations and making them feel unwelcome
- Social bantering or teasing
- Verbal abuse, humiliation or constant criticism
- Yelling, shouting and screaming
- Stealing credit for work performed by others
- Threats
- Insults and behind the back put-downs
- Exclusion or isolation

This list of examples is not exhaustive, and there may be other behaviors that constitute unacceptable behavior under this Policy.

## **“Open Floor” Policy and Resolving Concerns**

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Since its earliest days, Tesla has been built upon a culture of open communication. Over the years, as Tesla has grown as a company, we’ve worked to maintain this core value. Quite simply, we believe that raising matters openly and discussing them freely is the best way to solve problems and ensure a healthy, fulfilling, productive and amicable workplace.

Employees have the right to freely discuss their wages, benefits and terms and conditions of employment, and to raise complaints internally or externally. Tesla encourages you to bring any

concerns or complaints you may have to any member of management. This open communication is a reality at Tesla and your concerns will be given attention as promptly as possible.

While the open floor policy is available to all employees at any time, we all have a role to play in ensuring we maintain a respectful and safe workplace. To this end, any employee who is subjected to, a witness of, or has knowledge of, any conduct that violates this Policy, should immediately report the conduct. Members of management will be subject to discipline for failing to report in a timely manner.

You can report good faith concerns to your supervisor/manager or HR Partner. If you prefer to report another way, the Integrity Line is available 24 hours a day, 7 days a week, allowing you to report concerns anonymously and without fear of retaliation. **You can make a toll-free call to the Integrity Line at 1 (800) 461-9330 or submit a report through the Integrity Line webpage available on the Intranet.** You should be aware, however, that submitting a complaint anonymously may limit Tesla's ability to fully and meaningfully investigate a complaint under this Policy.

In addition, the Federal Equal Employment Opportunity Commission (EEOC) and local state agencies (like the California Department of Fair Employment and Housing (DFEH) in California) investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against, or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.eeoc.gov](http://www.eeoc.gov). Contact information for applicable state agencies in other jurisdictions can be found on state government websites, and the EEOC may also be able to assist you in contacting any local state agency.

## **Workplace Investigation Process**

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An incident or complaint of potential or actual conduct in violation of this Policy will be investigated promptly and impartially in a manner appropriate to the circumstances. This may include an internal investigation conducted by an investigator or investigation team as determined by management, or the use of external resources.

During the investigation, Tesla may temporarily reassign, or place on administrative leave, either or both of the impacted party and individual who is the subject of the complaint or incident.

### How to Participate

The investigator(s) may undertake some or all of the following procedures as deemed appropriate in the circumstances:

- Review the allegations
- Conduct interview(s) of the reporting party, impacted party, potential witnesses, the subject of the complaint, or anyone with relevant information
- Collect and review documents
- Review the workplace or sites of the incident

All persons to whom a complaint is made or who learn of a complaint as part of a Company investigation must do everything reasonably possible to keep the complaint confidential to preserve the integrity of the investigation while it is ongoing, to help to ensure fairness to all involved, and to help to protect the privacy of employees who have brought complaints or are accused of misconduct. Employees must cooperate and provide truthful information in an investigation.

Participating in a workplace investigation does not guarantee absolute confidentiality nor is it intended to curtail employee rights under the law to discuss work-related matters. Disclosure of information learned through the complaint process and the investigation will be limited to disclosures that are necessary for the Company to fulfill its legal obligations to investigate and take prompt action to end the prohibited conduct described in this Policy, including to those with a need to know.

### What Happens Next

After conducting an investigation, the investigator(s) will make an objective assessment of whether there has been a violation of this Policy. If Tesla determines that an employee's conduct has violated this Policy, we will take steps to ensure the conduct is effectively addressed, and any employee found to have engaged in any such conduct may be subject to discipline, up to and including termination.

The outcome of the investigation will be reported to the impacted party and the individual who is the subject of the complaint or incident, provided they are each an employee. To protect the privacy of all individuals involved in the investigation, we may only be able to share limited information.

### **Protection Against Retaliation**

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We recognize that employees may find it difficult to raise complaints, so we have a policy meant to encourage you to come forward with your concerns in good faith without fear of retaliation. Tesla strictly prohibits any employee from retaliating against another for participating in the complaint or investigation process.

Retaliation is when someone penalizes another person for any of the following:

- Reporting what you believe in good faith to be a violation of this Policy;
- Expressing an intent to report what you believe in good faith to be a violation of this Policy;
- Assisting another employee in reporting a violation of this Policy;
- Participating in good faith in any investigation under this Policy; or
- Requesting a reasonable accommodation in good faith.

Retaliating against an employee who made a complaint or otherwise participates in the investigation process in good faith is grounds for discipline, up to and including termination.

## **Reasonable Accommodation**

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Tesla is further committed to providing reasonable accommodation, up to the point of undue hardship, to an employee who may require accommodation because of his or her membership in one or more Protected Class.

Employees are required to participate in the accommodation process by providing Tesla with information necessary to facilitate an appropriate accommodation and accepting reasonable accommodation offered by the Company. Failure to cooperate in the accommodation process may result in the request for accommodation being denied.

If you believe you have been discriminated against or denied accommodation contrary to this Policy, you should report this concern your HR Partner, without fear of retaliation.

## **Training and Education**

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Tesla is committed to continuing the training and education of all its employees and managers with respect to this Policy.

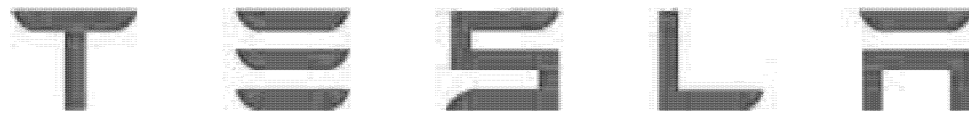
All Tesla people managers, including supervisors, are required to complete our mandatory harassment training, which provides an overview of this Policy and applicable laws.

This Policy will be reviewed every year. All employees will be provided with access to a copy. All employees must acknowledge that they have read and understood this policy.

## **Questions?**

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If you have questions about this Policy, please contact your HR Partner. If you don't know who your HR Partner is, please contact [HR@tesla.com](mailto:HR@tesla.com).



## **Policy Against Discrimination & Harassment in the Workplace (U.S. Locations)**

### **Policy Statement**

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At Tesla, we believe it's essential to provide all employees with a respectful and safe working environment. As a result, we don't tolerate discrimination, harassment or any mistreatment of employees in the workplace or work-related situations, whether based on a protected class under applicable law or otherwise.

Because the intent of this Policy Against Discrimination & Harassment in the Workplace (the "Policy") is to deter conduct that is unwanted, unreasonable, and demeaning, Tesla may consider an employee's conduct to be in violation of this Policy even if it falls short of unlawful conduct under applicable law. When determining whether conduct violates this Policy, we consider whether a reasonable person could conclude that the conduct contributed to or created an intimidating, hostile, degrading or demeaning work environment.

Tesla does not consider conduct in violation of this Policy to be within the course and scope of employment and does not sanction such conduct on the part of any individual or employee, including people leaders.

This Policy applies to everyone who works for Tesla and any of its subsidiaries. Everyone – including individual contributors and people leaders – is responsible for following and upholding this Policy. Additionally, we don't tolerate conduct in violation of this Policy by employees towards non-employees (e.g., contingent workers or contractors, guests, vendors, customers, etc.), nor do we tolerate such conduct by non-employees towards employees.

### **Protection Against Discrimination**

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Tesla is an equal opportunity employer. In accordance with applicable law, Tesla prohibits discrimination against any candidate for employment or employee based on any legally recognized basis, included but not limited to: race; color; ethnic or national origin; age; religion or religious creed (or belief, where applicable); sex, including pregnancy, childbirth, breastfeeding, or related medical conditions; sexual orientation; gender, gender identity, gender expression, transgender status, or sexual stereotypes; nationality, immigration status, citizenship, or ancestry; marital status; protected military or veteran status; physical or mental disability, medical condition, genetic information or characteristics (or those of a family member); political views or activity; status as a victim of domestic violence, sexual assault or stalking; or any other basis prohibited under applicable federal, state, or local law ("Protected Classes").

Tesla commits to take steps to help ensure every employee and candidate for employment is free from discrimination with respect to employment or prospective employment with the Company.

This applies to all phases of the employment relationship including, but not limited to, promotion, demotion, discipline, advertising, layoff, termination, compensation, selection and training.

## Protection Against Harassment

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Tesla prohibits harassment on the basis of any legally protected status, including harassment based on a person's status in a Protected Class.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, that affects an individual's employment, unreasonably interferes with the individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex/gender.

Examples of behaviors or actions that may be sexual harassment include, but may not be limited to:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates); offers of employment benefits in exchange for sexual favors; making or threatening reprisals after a rejection of, or negative response to, sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, or lewd or sexual comments about an individual's appearance, body or dress, whistling or making suggestive or insulting sounds;
- Written conduct: graphic written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements.

Other types of prohibited harassment may include behavior similar to the examples above pertaining to sexual harassment. It can also include, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's status in a Protected Class;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's status in a Protected Class; or
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's status in a Protected Class.

The list of examples in this Policy is not exhaustive, and there may be other behaviors that are unacceptable under this Policy.

"I was joking" or "I didn't mean it that way" are not defenses to allegations of harassment or violations of this Policy. Nor is being under the influence of alcohol or other substances. This Policy applies to conduct at work, in work areas (even when off duty) including in the Company parking lot, and at work-related social events, office parties, off-sites, and customer entertainment events.

Employees are expected to be particularly careful about what they say and do in these circumstances. You do not need to be the subject of the conduct to be negatively impacted; rather, it is sufficient for you to have personally witnessed such offensive conduct. Harassment does not include a reasonable action taken by Tesla relating to the supervision and direction of an employee or the workplace.

Individuals who observe conduct that may violate this Policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this Policy are encouraged to take reasonable action to defuse such behavior if possible, such as intervening directly, alerting a supervisor or HR Partner to assist, or making a report under this Policy.

## **Protection Against Bullying**

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Tesla does not tolerate abusive conduct, bullying or other intimidating or aggressive behavior towards or among employees or others covered by this Policy, whether it is based on a Protected Class or not.

Bullying can include malicious, deliberate, hurtful mistreatment of employees driven by a desire to control that involves repeated acts of humiliation, intimidation and sabotage of performance.

Bullying may include, but is not limited to:

- Intentionally excluding someone from normal workplace conversations and making them feel unwelcome;
- Social bantering or teasing;
- Verbal abuse, humiliation or constant criticism;
- Yelling, shouting and screaming;
- Stealing credit for work performed by others;
- Threats;
- Insults and behind the back put-downs; or
- Exclusion or isolation

This list of examples is not exhaustive, and there may be other behaviors that are unacceptable under this Policy.

## **“Open Floor” Policy and Resolving Concerns**

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Since its earliest days, Tesla has been built upon a culture of open communication. Over the years, as Tesla has grown as a company, we’ve worked to maintain this core value. Quite simply, we believe that raising matters openly and discussing them freely is the best way to solve problems and ensure a healthy, fulfilling, productive and amicable workplace.

Employees have the right to freely discuss their wages, benefits and terms and conditions of employment, and to raise complaints internally or externally. Tesla encourages you to bring any concerns or complaints you may have to any member of management. This open communication is a reality at Tesla and your concerns will be given attention as promptly as possible.



While the open floor policy is available to all employees at any time, we all have a role to play in ensuring we maintain a respectful and safe workplace. To this end, any employee who is subjected to, a witness of, or has knowledge of, any conduct that violates this Policy, should immediately report the conduct. Members of management may be subject to discipline for failing to report in a timely manner.

You can report good faith concerns to your supervisor or HR Partner. If you prefer to report another way, the Integrity Line is available 24 hours a day, 7 days a week, allowing you to report concerns anonymously and without fear of retaliation. **You can make a toll-free call to the Integrity Line at 1 (800) 461-9330 or submit a report through the Integrity Line webpage available on the Intranet.** You should be aware, however, that submitting a complaint anonymously may limit Tesla's ability to fully and meaningfully investigate a complaint under this Policy. New York Employees Only: If you wish to report your concern in writing, you can utilize the Standard Complaint Form found below.

In addition, the Federal Equal Employment Opportunity Commission (EEOC) and local state agencies (like the California Department of Fair Employment and Housing (DFEH) in California and the New York State Division of Human Rights in New York (NYDHR)) investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against, or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.eeoc.gov](http://www.eeoc.gov) for the EEOC, [www.dfeh.ca.gov](http://www.dfeh.ca.gov) for the DFEH, and [www.dhr.ny.gov](http://www.dhr.ny.gov) for the NYDHR. Contact information for applicable state agencies in other jurisdictions can be found on state government websites, and the EEOC may also be able to assist you in contacting any local state agency. Information regarding federal, state and city courts is also available online. Employees subjected to unlawful discrimination, harassment or retaliation may be entitled to certain remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action be taken or that certain behavior stop).

## Workplace Investigations Process

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An incident or complaint of potential or actual conduct in violation of this Policy will be investigated promptly and impartially in a manner appropriate to the circumstances. This may include an internal investigation conducted by an investigator or investigation team as determined by management, or the use of external resources.

During the investigation, Tesla may temporarily reassign, or place on administrative leave, either or both of the impacted party and individual who is the subject of the complaint or incident.

The investigator(s) may undertake some or all of the following procedures as deemed appropriate in the circumstances:

- Review the allegations
- Conduct interview(s) of the reporting party, impacted party, potential witnesses, the subject of the complaint, or anyone with relevant information
- Collect and review documents
- Review the workplace or sites of the incident



Employees are expected to fully cooperate and provide truthful information in an investigation.

Participating in a workplace investigation does not guarantee absolute confidentiality nor is it intended to curtail employee rights under the law (such as the National Labor Relations Act) to discuss work-related matters. Disclosure of information learned through the complaint process and the investigation will be limited to disclosures that are necessary for the Company to fulfill its legal obligations to investigate and take prompt action to end the prohibited conduct described in this Policy, including to those with a need to know.

After conducting an investigation, the investigator(s) will make an assessment of whether there has been a violation of this Policy, based on the weight (or preponderance) of the evidence. If Tesla determines in its discretion that this Policy has been violated, including in the event that a people leader knowingly allows the Policy to be violated without reporting it, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

The outcome of the investigation will be reported to the impacted party and the individual who is the subject of the complaint or incident as appropriate. To protect the privacy of all individuals involved in the investigation, we may only be able to share limited information.

## Protection Against Retaliation

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We recognize that employees may be reluctant or find it difficult to raise complaints, so our Policy prohibits retaliation against those who come forward with concerns in good faith. Tesla also strictly prohibits any employee or person from retaliating against another for participating in the complaint or investigation process.

Retaliation is when someone penalizes another person for any of the following:

- Reporting what you believe in good faith to be a violation of this Policy;
- Expressing an intent to report what you believe in good faith to be a violation of this Policy;
- Assisting another employee in reporting a violation of this Policy;
- Participating in good faith in any investigation under this Policy; or
- Requesting a reasonable accommodation in good faith.

Retaliating against an employee who made a complaint or otherwise participates in the investigation process in good faith is grounds for discipline, up to and including termination.

Individuals who believe that they or any other individual has been subjected to retaliation should report this concern using the complaint procedure set forth in this Policy.

## Reasonable Accommodation

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Tesla is further committed to providing reasonable accommodation, up to the point of undue hardship, to an employee who may require accommodation or as otherwise required by applicable law.

Employees are required to participate in the accommodation process by providing Tesla with information necessary to facilitate an appropriate accommodation and accepting reasonable

accommodation offered by the Company. Failure to cooperate in the accommodation process may result in the request for accommodation being denied.

If you believe you have been discriminated against or denied accommodation contrary to this Policy, you should report this concern your HR Partner, without fear of retaliation.

## Training and Education

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Tesla is committed to continuing the training and education of all its employees and people leaders with respect to this Policy.

All Tesla people leaders, including supervisors, are required to complete our mandatory harassment prevention training, which provides an overview of this Policy and applicable laws.

This Policy will be reviewed at least every year. All employees will be provided with access to a copy. All employees must acknowledge that they have read, understood and will comply with this Policy.

## Questions?

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If you have questions about this Policy, please contact your HR Partner. If you don't know who your HR Partner is, please contact [HR@tesla.com](mailto:HR@tesla.com).

## **Policy Against Discrimination & Harassment in the Workplace**

*Effective March 2021*

We have zero tolerance for discrimination, harassment or any mistreatment of employees in the workplace or work-related situations, whether based on a protected class under applicable law or otherwise.

Because our intent is to deter conduct that is unwanted, unreasonable, and demeaning, Tesla may consider an employee's conduct to be in violation of this Policy even if it falls short of unlawful conduct under applicable law. When determining whether conduct violates this Policy, we consider whether a reasonable person could conclude that the conduct created an intimidating, hostile, degrading or demeaning environment.

Tesla does not consider conduct in violation of this Policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including people managers.

This Policy applies to everyone who works for Tesla and any of its subsidiaries in the United States. Everyone – including individual contributors and people managers – is responsible for following and upholding this Policy and creating a positive environment free from harassment and discrimination of any kind. Additionally, we don't tolerate conduct in violation of this Policy by employees towards non-employees (e.g., contingent workers or contractors, guests, vendors, and customers), nor do we tolerate such conduct by non-employees towards employees.

### **Protection Against Discrimination**

Discrimination means treating people differently, whether an employee or a candidate for employment, because of a person's status in a protected class under applicable law, including: race, color, ethnic or national origin; age; religion or religious creed (or belief, where applicable); sex, including pregnancy, childbirth, breastfeeding, or related medical conditions; sexual orientation; gender, gender identity, gender expression, transgender status, or sexual stereotypes; nationality, immigration status, citizenship, or ancestry; marital status; protected military or veteran status; physical or mental disability, medical condition, genetic information or characteristics (or those of a family member); political views or activity; status as a victim of domestic violence, sexual assault or stalking; or any other basis prohibited under federal, state, or local law ("Protected Class(es)").

## Policy Against Discrimination & Harassment in the Workplace

Effective *March 2021*

Discrimination can also occur where a requirement, qualification or factor exists that is not obviously discriminatory but results in the exclusion, restriction or preference of a person because they are a member (or are not a member) of a Protected Class.

Tesla expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above, or the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated here.

This applies to all phases of the employment relationship including, but not limited to, promotion, demotion, discipline, advertising, layoff, termination, compensation, selection and training.

If you believe you have been discriminated against or if you have witnessed, or learned of, discriminatory conduct, or if you have questions or concerns about equal employment opportunities in the workplace, you are encouraged to bring these issues to the attention of your manager, HR Partner, or through the Integrity Line at [REDACTED]

### Protection Against Harassment

Harassment, including sexual harassment, means any unwelcome verbal, visual, written, or physical conduct based on any Protected Class, as mentioned above. Such conduct may include, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's status in a protected class;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text/chat messages (including emojis, memes, or GIFs) or gestures based on an individual's status in a protected class; or
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's status in a protected class.

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Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature, that affects an individual's employment, unreasonably interferes with the individual's work performance or otherwise adversely affects an individual's employment opportunities, or creates an intimidating, hostile, or offensive work environment. Sexual Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex/gender.

Examples of behaviors or actions that may be sexual harassment include, but may not be limited to:

- Unwanted sexual advances (pressure for sexual activity) or propositions (including repeated and unwelcome requests for dates); offers of employment benefits in exchange for sexual favors; making or threatening reprisals after a rejection of, or negative response to, sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, or lewd or sexual comments about an individual's appearance, body or dress, whistling or making suggestive or insulting sounds;
- Written conduct: graphic written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text/chat messages (including emojis, memes, or GIFs), tweets or other social media postings;

Physical conduct: unwelcome or inappropriate touching, patting, punching, impeding or blocking movements, and repeated brushing against another person's body.

Sexual harassment can happen regardless of the individual's gender, gender identity, or gender expression and can, for example, occur between same-sex individuals as well as between opposite-sex individuals, and does not require that the harassing conduct be motivated by sexual desire.

Harassment may arise from conduct by managers/supervisors, co-workers, temporary workers, business partners, vendors, or any other third party.

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These examples are not exhaustive, and there may be other behaviors that constitute unacceptable behavior under this Policy.

**Pro-tip:** “I was joking” or “I didn’t mean it that way” are not defenses to allegations of harassment or inappropriate behavior. Nor is being under the influence of alcohol or other substances (and you shouldn’t be under the influence at work anyway, so this would be a really bad excuse).

This Policy applies to conduct at work and at work-related social events, office parties, off-site Tesla sponsored events and meetings, and customer entertainment events. You are expected to be particularly careful about what you say and do in these circumstances. Harassment does not include a reasonable action taken by Tesla relating to the supervision and direction of an employee or the workplace.

You do not need to be the subject of the conduct to be negatively impacted; rather, it is sufficient for you to have personally witnessed such offensive conduct. If you believe you have been harassed or if you have learned of or witnessed harassing behavior, or if you have questions or concerns about harassment in the workplace, you are encouraged to bring these issues to the attention of your manager, HR Business Partner, or through the Integrity Line. Members of management who receive a report, witness, or learn of harassing behavior will be subject to discipline for failing to report in a timely manner.

### Protection Against Bullying

Because we’re trying to maintain a respectful working environment where everyone feels empowered to collaborate and do their job well, Tesla does not tolerate abusive conduct, bullying or other intimidating or aggressive behavior among employees or others covered by this Policy, whether it is based on a Protected Class or not. Bullying can include malicious, deliberate, hurtful mistreatment of employees driven by a desire to control that involves repeated acts of humiliation, intimidation, undermining, and sabotage of performance.

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### **Examples of Bullying**

- Intentionally excluding someone from normal workplace conversations and making them feel unwelcome
- Social bantering or teasing
- Verbal abuse, humiliation or constant criticism
- Yelling, shouting and screaming
- Stealing credit for work performed by others
- Threats
- Insults and behind the back put-downs
- Exclusion or isolation

This list of examples is not exhaustive, and there may be other behaviors that constitute unacceptable behavior under this Policy.

Any employee who believes that they have been subjected to bullying, pressured to participate in bullying or has witness or learned of bullying should report it to their manager/supervisor, HR Business Partner, or through the Integrity Line.

### **Reporting Discrimination and Harassment**

Employees have the right to freely discuss their wages, benefits and terms and conditions of employment, and to raise complaints internally or externally. This includes potential discrimination and harassment complaints. Consistent with our “Open Floor” Policy mentioned above, Tesla encourages you to bring any concerns or complaints you may have to any member of management, HR Partner, or through the Integrity Line.

Again, we all have a role to play in ensuring we maintain a respectful and safe workplace. To this end, any employee who is subjected to, a witness of, or has knowledge of, any conduct that violates this Policy, is expected to immediately report the conduct to their manager, HR Partner, or report through the Integrity Line. Members of management may be subject to discipline for failing to report in a timely manner. Tesla will promptly and thoroughly investigate the alleged misconduct and if a violation of this policy is found will take appropriate corrective action.

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## Protection Against Retaliation

Retaliation is adverse conduct taken because an individual reported an actual or perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process in good faith described below.

“Adverse conduct” includes but is not limited to: (1) shunning and avoiding an individual who reports harassment, discrimination or retaliation; (2) express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination or retaliation; or (3) denying employment benefits because an applicant or employee reported harassment, discrimination or retaliation or participated in the reporting and investigation process.

Tesla will not retaliate against anyone who files a complaint in good faith, participates in an investigation into such a complaint, or opposes conduct that is prohibited under this policy. Tesla prohibits retaliation by management employees, coworkers, vendors, customers, and other third parties. If you feel you have been subjected to any such retaliation, you should bring it to the attention of your immediate supervisor, HR Partner, or the Integrity line at [REDACTED]. Employees who intentionally make a fraudulent complaint may be disciplined, up to and including termination of employment.

If Tesla determines that inappropriate conduct or statements have occurred, appropriate disciplinary action will be taken up to and including termination from employment.

## Workplace Investigation Process

As mentioned above, you can report good faith concerns to your manager/supervisor, HR Partner or anonymously through the Integrity Line. Human Resources, together with Employee Relations, will ensure that your concern is investigated promptly and impartially in a manner appropriate to the circumstances. During the investigation, Tesla may temporarily reassign, or place on administrative leave, either or both of the impacted party and an individual who is the subject of the complaint or incident.

### How to Participate

The investigator(s) may undertake some or all of the following procedures as deemed



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appropriate in the circumstances:

- Review the allegations
- Conduct interview(s) of the reporting party, impacted party, potential witnesses, the subject of the complaint, or anyone with relevant information
- Collect and review documents
- Review the workplace or sites of the incident

Where directed by a Tesla investigator, everyone involved in the investigation must do everything reasonably possible to keep the complaint confidential to preserve the integrity of the investigation while it is ongoing in order to reach accurate conclusions, to help to ensure fairness to all involved, and to help to protect the privacy of employees who have brought complaints or are accused of misconduct. Employees must cooperate and provide truthful information in an investigation. Remember, we all have a role to play in creating and maintaining a respectful work environment, and failure to cooperate or providing false, deliberately deceptive, or intentionally misleading information may result in disciplinary action, up to and including termination from employment. Destroying relevant information, data or evidence during an investigation may also result in disciplinary action, up to and including termination from employment.

Participating in a workplace investigation does not guarantee absolute confidentiality nor is it intended to curtail employee rights under the law to discuss work-related matters. Disclosure of information learned through the complaint process and the investigation will be limited to disclosures that are necessary for Tesla to fulfill its legal obligations to investigate and take prompt action to end the prohibited conduct described in this Policy, including to those with a need to know.

### What Happens Next

After conducting an investigation, the investigator(s) will make an objective assessment of whether there has been a violation of any policy. If Tesla determines that an employee's conduct has violated this Policy, we will take steps to ensure the conduct is effectively addressed, and any employee found to have engaged in any such conduct may be subject to discipline, up to and including termination of employment.

The outcome of the investigation will be reported to the impacted party and the individual who is the subject of the complaint or incident, provided they are each an

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employee. To protect the privacy of all individuals involved in the investigation, we may only be able to share limited information.

In addition, the federal Equal Employment Opportunity Commission (EEOC) and local state agencies (like the California Department of Fair Employment and Housing (DFEH) in California) investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against, or that you have been retaliated against for resisting, complaining or participating in an investigation, you also have the right to file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.eeoc.gov](http://www.eeoc.gov). Contact information for applicable state agencies in other jurisdictions can be found on state government websites, and the EEOC may also be able to assist you in contacting any local state agency.

We recognize that employees may find it difficult or uncomfortable to raise complaints, so we want to reiterate: Tesla strictly prohibits any employee from retaliating against another for participating in the complaint or investigation process. Retaliating against an employee who made a complaint or otherwise participates in the investigation process in good faith is grounds for discipline, up to and including termination of employment.